

REMARKS

Status of the Claims

Claims 1-32, 34-42, 48-50, 52, and 53 were previously canceled.

Claims 33, 47, 62, 71-73 have been canceled herein.

Claims 43-46, 51, 54-61, and 63-70 are pending.

Claims 43-46, 55-58, 64-69 have been amended to recite that the PYY agonist analog is PYY(3-36). The amendments find basis, for example: in former Claim 47, now canceled, which depended from claims to 43-46, 55-58, and 64-69, and which recited that the PYY agonist analog of such claims is PYY[3-36].

No new matter is introduced by way of the amendments to the claims.

Comments with regard to Examiner's Response and the Decision of Appeal

In the Examiner's Answer, mailed June 13, 2007, to Applicant's Appeal Brief filed on February 5, 2007, the Examiner stated, "Claim 47 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims". (see page 2, Item (3), last sentence). This was confirmed in footnote 1 on page 4 of the Decision on Appeal, which stated that "claim 47 is free from rejection...The objection to claim 47 is a petitionable matter. Therefore, the objection to claim 47 was not considered as part of our deliberations in this Appeal."

As described above, the claims as amended and presented herein either: recite the limitations of the base claim(s) as well as former claim 47; or depend from such claim(s). Applicant respectfully submits that, as indicated in both the Examiner's Answer and in the Decision on Appeal, the claims as amended and presented herein are now in condition for allowance, having rendered moot or obviated all rejections affirmed in the Decision on Appeal.

CONCLUSION

In view of the foregoing, Applicant respectfully requests that the Examiner issue a Notice of Allowability/Notice of Allowance in the Examiner's next communication.

It is believed that no other extensions of time or fees are due in connection with the filing of this Response and the accompanying RCE. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account Number 010535, referencing docket number 0402US-UTL. Applicants likewise authorize a charge to Deposit Account Number 010535 for any other fees related to the present application that are not otherwise provided for in the accompanying documents.

Respectfully submitted,

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